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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,340	12/19/2000	Robert T. Moton JR.	BS00-068	2530
28970	7590	04/22/2005		
PILLSBURY WINTHROP SHAW PITTMAN LLP				
1650 TYSONS BOULEVARD				
MCLEAN, VA 22102				

EXAMINER
CUMMING, WILLIAM D

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,340

Applicant(s)

MOTON, ENZMANN, & ZELLNER

Examiner

WILLIAM D CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,10,11,17,19,20,24,26,27 and 41-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-9,12-16,18,21-23,25 and 28-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 7, 8, 9, 12-16, 21-23, 29-32, 34, 37, 38, and 40 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Duvall, et al.**

Duvall, et al disclose a system (figures 1 & 2) for exciting an action ("A novel method of and system for enabling the use of one portable cellular phone only, in voice communication with a cellular network control center for voice-requesting position or location data services, and, with the aid of a vehicle GPS-transponder activated in response to signaling from the control center over cellular network channel control paths, to receive and process at the vehicle GPS location data from satellites, and to transmit the data over the said channel control paths to the control center, for then sending therefrom to the user of the portable cellular phone.") specified in subscriber rules ("A method of voice and GPS satellite constellation positional location data radio communication over a cellular phone network having a cellular network radio voice-communication path and a cellular network different data communications radio control channel path normally used to set up phone calls, break down phone calls and switch cell.

sites, each separately communicating along their respective different paths with a network operations control center, that comprises, user initial voice-calling of the control center from a portable cellular telephone location and over the cellular network radio voice-communication path requesting user-location information services of the control center; upon user verification, sending a radio wake-up signal from the control center over the cellular network data-communication radio control channel path to be received at said location, providing a radio transponder and a GPS receiver adapted to receive GPS satellite constellation location data transmission frequency and a microprocessor module at said user location; activating the GPS receiver in response to receipt of said wake-up radio signal sent from the cellular network control center over its data-communication radio control channel path, to receive and microprocessor-process the location data received by the GPS receiver from the GPS satellite constellation at the user location and thereupon to activate the transponder at said user location to transmit the microprocessor-processed received location data over the cellular network data-communication radio control channel path back to said control center, associating at the control center, the transmitted user-location data received over the cellular network data-communication radio control channel path by the control center with the initial user voice call request received along the cellular network radio voice-communication path at the control center, and sending the requested user-location services information

from the control center to the user.") based on location information ("The method of claim 2 wherein the vehicle is further provided with movement/tampering alarm sensing; and, in response to such sensing, and apart from the presence or absence of the user at the vehicle, activating the vehicle GPS-transponder module to receive and process GPS location data for the vehicle and to transmit the data with vehicle user identification as an alarm over the cellular network control channel path back to said control center; associating the transmitted location alarm received at the cellular network control center with a phone pre-designated by the vehicle user and calling the alarm from the control center to that phone."). Comprising a wireless device (#P & P1) device by a location (inherent, all physical entities must physical location, specially a cellular telephone). A location system (#GPs/GPS-T & GPS1/GPS-T1) in communication with the wireless device (#P & P1). A feature server (#C, C1, C2, 1, 2, 3, 4) in communication with the location system (#GPs/GPS-T & GPS1/GPS-T1) and the wireless device (#P & P1). The location system (#GPs/GPS-T & GPS1/GPS-T1) generates location information (#4) that pinpoints the location. The location information satisfies the subscriber rules ("Turning now, to the embodiment shown in FIG. 1, the customer in the vehicle V is shown calling at 1 on any type of existing cellular phone P, presumably one that the driver already owns, to the network operations call center, so labeled at C. The center receives the cellular phone call at the appropriate network antenna ("CELLULAR") over the normal

voice cellular phone channel C1, and, in usual fashion, verifies that the caller's user ID is correct, often by requesting a PIN code at 2, as is well known. Then the call center C separately and independently, using the PIN code, looks up the appropriate control channel access number, and sends or "pings" a radio query at 3, along path C2 and the channel control transmitter antenna ("CHANNEL CONTROL"), to a control channel transponder-GPS receiver module, GPS-T, provided in the vehicle V. The receipt of the radio signal "ping" 3 by the vehicle module, wakes up or activates the GPS receiver ("GPS") therein and calculates by its microprocessor, the vehicle position 25 determined by receiving the navigation signals N from the GPS satellite constellation S. The vehicle module transponder transmitter portion T is then activated to respond back at 4 to the CONTROL CHANNEL path and through the control channel C.sub.2, with the vehicle position location data information and any other data information which may be selected for sending along the control path C.sub.2, back to the network operations call center C. The center can now inform the caller where the vehicle is currently located, thereby enabling driver planning and executing of vehicle routes, and/or providing other services. By associating this information received along the control channel with the appropriate user voice call request received along the cellular phone channel C1, the control center C then communicates the requested positional or other service information back to the user in the vehicle

V. 7) the feature server (#C, C1, C2, 1, 2, 3, 4) performs the action according to the subscriber rules.

Regarding claim 4, *"A standard communications model CMM 8600 Microburst.TM., for example, is a typical cellular radio telephone unit, and manufacturers providing hardware components for the purpose of operating on the cellular phone network control channel include Standard Radio and Standard Communications of Japan (providing radio equipment for the Aries "MicroBurst" protocol). Erickson and Wireless Link also currently provide appropriate radio transceivers."* These models have microprocessors which are computers.

Regarding claims 6, 7, 9, note #GPS1/GPS-T1.

Regarding claim 8, note #P.

Regarding claim 12, inherent in #C.

Regarding claim 13, *"A system for voice and positional location data radio communication over a cellular phone network having a cellular network radio voice-communication path and a cellular network different data-communication radio control channel path normally used to set up phone calls, break down phone calls and switch cell sites, separately communicating along their respective different paths with a network operations control center, the system having, in combination, a portable cellular telephone for initial user voice-calling to the control center over the cellular network radio voice-communication path for requesting user-location information services of the control center; means*

operable upon user identification, for sending a radio wake-up signal from the control center over the cellular network data-communication radio control channel path to be received at the user location; a radio-transponder and a GPS receiver adapted to receive GPS satellite constellation location data transmission frequency and a microprocessor module disposed at said user location; means for activating the GPS receiver of the module in response to receipt of said radio wake-up signal sent from the cellular network control center over its data-communication radio control channel path, to receive and to microprocessor-process the location data received by the GPS receiver from the GPS satellite constellation at the vehicle and thereupon to activate the transponder at the vehicle to transmit the microprocessor-processed location data over the cellular network data communication radio control channel path back to said control center; and means for sending location services information from the control center to the user upon associating at the control center the transmitted user-location data received over the cellular network data-communication radio control channel path by the control center with the initial user voice call request received along the cellular network radio voice-communication path by the control center."

Regarding claims 14-16, are inherent in GPS receivers.

Regarding claims 21-23, 29-32, 34, 37, 38, 40, the claimed method is an inherent method to operate the system of **Duvall, et al** as stated above. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to

amount to the mere claiming of a use or not the use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961)

3. Claims 1, 8, 21, 25, 31, 33, and 39, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Sheynblat, et al.**

Sheynblat, et al disclose the action is executed via a global computer network ("*Methods and apparatuses for distributing location-based information (i.e., information specific to a client's location or a location of interest to the client) to a client, which may be a mobile SPS receiver, via the Internet and in particular, the World-Wide Web. The client provides information about its location and/or a location of interest to a Web server. The Web server, based on the information, provides via the Internet information relating to the client's location or location of interest to the client.*")

Regarding claim 33 and 39, "It should be noted that a cellular based or cell based wireless communication system is a communication system which has more than one transmitter, each of which serves a different geographical area, which is predefined at any instant in time. Typically, each transmitter is a wireless transmitter which serves a cell which has a geographical radius of less than 20 miles, although the area covered depends on the particular communication system. There are numerous types of cell-based communication systems, such as cellular telephones, PCS (personal communication system), SMR (specialized mobile radio), one-way and two-way pager systems, RAM, ARDIS, and wireless

packet data systems. Typically, the predefined geographical areas are referred to as cells and a plurality of cells are grouped together into a cellular service area and these pluralities of cells are coupled to one or more cellular switching centers which provide connections to land-based telephone systems and/or networks. A service area is often used for billing purposes. Hence, it may be the case that cells in more than one service area are connected to one switching center. Alternatively, it is sometimes the case that cells within one service area are connected to different switching centers, especially in dense population areas. In general, a service area is defined as a collection of cells within close geographical proximity to one another. Another class of cell-based systems that fits the above description is satellite based, where the cellular basestations or cell sites are satellites that typically orbit the earth. In these systems, the cell sectors and service areas move as a function of time. Examples of such systems include Iridium, Globalstar, Orbcomm, and Odyssey."

4. Claims 31, 35, and 36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Lee, et al.**

Lee, et al disclose a step of defining the action is performed by a feature server based on habits for using the wireless device ("*An internet radio for portable applications and uses such as in an automobile enables saving enhanced information contained in content sent to a wireless communication device to be saved, and comprises the steps of transmitting content to said*

wireless communication device; transmitting enhanced information related to said content to said wireless communication device; detecting the selection by a user to receive the enhanced information; and transmitting the enhanced information to the user. Customized information is also communicated to the radio such as stock quotes, travel information, advertising, and e-mail. Onboard global positioning allows for channel updating by location, traffic information, geographic advertising and available similar content.").

Response to Amendment

5. Updated Notice of Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence, and Exceptions Thereto

On December 1, 2003, the United States Patent and Trademark Office (Office) established a "*centralized delivery*" policy for patent related correspondence to enable the Office to promptly scan the correspondence into the Office's image file wrapper (IFW) system. The "*centralized delivery*" policy requires most patent related correspondence to be: a) faxed to the central facsimile number ((703) 872-9306), b) hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), or c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450).ⁱ The "*centralized delivery*" policy was revised in three follow-up notices. In order to provide further updated information, and to provide a single comprehensive statement of the Office's current "*centralized delivery*" policy, this notice is issued. This

notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence.

General "*Centralized Delivery*" Policy:

For patent related correspondence, hand carry deliveries must be made to the Customer Service Window, and facsimile transmissions must be sent to the central facsimile number ((703) 872-9306), unless an exception, as noted below, applies. Exceptions to the general policy of "*centralized delivery*" generally involve situations where special handling of the patent related correspondence is available. All the current exceptions are listed in this notice. Correspondence which is not related to a specific patent or patent application, such as a question on policy, on employment, or other general inquiry, is not covered by this notice. Below are two lists which set forth all the current exceptions to the "*centralized delivery*" policy. The first list covers the exceptions for certain hand carried items, and the second list covers the exceptions for certain facsimile transmitted items. Both lists reflect the relocation of most USPTO operations to the Alexandria, Virginia campus.

List I – Exceptions for Certain Hand Carried Correspondence Current exceptions:

Only the following types of correspondence may be delivered (hand-carried) to the specific location provided below instead of the Customer Service Window. If correspondence listed below is carried to the Customer Service Window, the correspondence will be accepted and routed to the appropriate office.

1. Access Requests:

Requests for access to patent application files may continue to be hand carried to the File Information Unit (FIU) in Room 2E04, 2900 Crystal Drive (South Tower), Arlington VA 22202. Requests for access to patent application files that are maintained in the Image File Wrapper system and that have not yet been published may also be hand carried to the Public Search Facility on the 1st floor of the Madison East building, 600 Dulany Street, Alexandria VA 22314.

2. Patent Term Extensions under 35 U.S.C. § 156:

Patent term extension applications under 35 U.S.C. 156 (Hatch/Waxman) may be hand-carried to the Office of Patent Legal Administration (OPLA) in Room 07D85, 600 Dulany Street (Madison West building), Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the OPLA at either (571) 272-7744 or (571) 272-7746 for delivery assistance.

3. Assignments to be Recorded:

Assignments may be hand-carried to the Office of Public Records Customer Service Window on the 2nd floor of the South Tower building, 2900 Crystal Drive, Arlington VA 22202.

4. Office of General Counsel:

Correspondence for the Office of General Counsel may be hand-carried to the Office of General Counsel in Room 10C20, 600 Dulany Street (Madison East building), Alexandria VA 22314. At the guard station in Madison East (near the elevators), the security guard should call the Office of General Counsel at 571-272-7000 for delivery assistance.

5. Solicitor's Office:

Correspondence for the Solicitor's Office may be hand-carried to the Solicitor's Office in Room 8C43, 600 Dulany Street (Madison West building), Alexandria VA 22314. At the guard station in Madison West (near the elevators), the security guard should call the Solicitor's Office at 571-272-9035 for delivery assistance.

6. Interference related correspondence:

Correspondence relating to interferences may be hand-carried to the 1st floor lobby of Madison East building, 600 Dulany Street, Alexandria VA 22314, where a drop-off box for hand-carried documents to be filed with the Board of Patent Appeals and Interferences is located. Customers need to pass through the magnetometer and have the materials passed through the x-ray sensors before placing them in the drop-off box. The drop-off box is for Interference related correspondence **ONLY**. Boxes are not permitted in the drop-off box. Boxed materials should be hand-

carried to Madison East, Room 9B55-A using the following procedures. At either guard station (concourse level or 1st floor) in Madison East (near the elevators), the security guard should call the Board of Patent Appeals and Interferences at 571-272-9797 to obtain authorization to allow entry into the building for delivery to Room 9B55-A. Access to Room 9B55-A is available from 8:30 AM to 4:45 PM only. Documents/boxes hand-carried to the drop-off box or to Room 9B55-A after 4:45 PM (EST) will receive the next day's filing date. Customers desiring a stamped return receipt for their filing need to personally bring their filing and postcard to Room 9B55-A during the hours stated above, or leave the postcard with the filing (postcard must include correct postage mail stamp and the address where the postcard it to be mailed). The Board will stamp the filing date and mail the postcard to the customer.

7. Secrecy Order:

Applications subject to a secrecy order pursuant to 35 U.S.C. 181, or are national security classified, and correspondence related thereto, may be hand-carried to the Licensing and Review location. See 37 CFR Secs. 5.1(c) and 5.2(c). Licensing and review is expected to relocate to the Alexandria campus on April 1, 2005. Effective April 1, 2005, the Licensing and Review location is:

Technology Center 3600, Room 4B31, 501 Dulany
Street (Knox building), Alexandria VA 22314.

At the guard station in Knox (near the elevators), the security
guard should call Licensing and Review at (571) 272-8203 for
delivery assistance. Prior to April 1, 2005, the Licensing and
Review location is:

Technology Center 3600, Office of the Director, 2451
Crystal Drive (Crystal Park 5 building), Room 3D07
Arlington, VA 22202.

8. Explicit Foreign Filing License Petitions:

Effective April 1, 2005, petitions for foreign filing license
pursuant to 37 CFR 5.12(b) for which expedited handling is
requested and petitions for retroactive license under 37 CFR 5.25,
may be hand-carried to Licensing and Review in Room 4B41, 501
Dulany Street (Knox building), Alexandria VA 22314. At the guard
station in Knox (near the elevators), the security guard should call
Licensing and Review at (571) 272-8187 for delivery assistance.

9. Petitions to Withdraw from Issue:

Petitions to Withdraw from Issue may be hand carried
to the Office of Petitions on the 7th floor of the Madison West
building, 600 Dulany Street, Alexandria VA 22314. At the
guard station in Madison West (near the elevators), the

security guard should call the Office of Petitions at (571) 272-3282 for delivery assistance. Hand carried papers will be accepted between the hours of 8:30 a.m. until 3:45 p.m.

10. Documents requested by the Office of Patent

Publication:

Documents requested by the Office of Patent

Publication may be hand carried to the Office of Patent

Publication in Room 8A24, 2900 Crystal Drive (South Tower building), Arlington VA 22202, during business hours.

Elimination of certain previously authorized exceptions:

Hand carry delivery to a location other than the Customer Service Window is no longer permitted for the following types of correspondence:

(1) correspondence relating to PCT

international applications prior to national stage entry (35 U.S.C. 371) [Note: as of January 14, 2005, there no longer is a separate PCT Operations Customer Window];

(2) petitions for express abandonment to avoid publication under 37 CFR 1.138(c);

(3) requests to initiate, or related to on-going, ex parte or inter partes reexamination proceedings;

(4) design patent applications with a
corresponding request for expedited examination
under 37 CFR 1.155; and (5) correspondence for the
Office of Enrollment and Discipline (OED).

List II -Exceptions for Certain Facsimile Transmitted Correspondence For
each Office location listed below, only the particular type of correspondence
indicated may be transmitted to the specific facsimile number at that Office
location. All other types of facsimile transmitted correspondence must be sent to
the central facsimile number ((703) 872-9306).

1. Office of Initial Patent Examination (OIPE) Request for corrected Filing
Receipt:

(703) 746-9195 facsimile number

Response to Notice to File Missing Parts:

(703) 746-4060 facsimile number

Note: New applications, correspondence being submitted for the purpose
of obtaining an application filing date, and color drawings may NOT be
transmitted by facsimile. OIPE Customer Service telephone number: (703) 308-
1202

2. PCT Operations and PCT Legal Administration Correspondence
subsequent to filing in an international application before the U.S. Receiving

Office, the U.S. International Searching Authority, or the U.S. International Examining Authority:

Papers in international applications:

(703) 305-3230 facsimile number

Response to Decisions on Petition:

(571) 273-0459 facsimile number

Note: An international application for patent or a copy of the international application and the basic national fee necessary to enter the national stage, as specified in 37 CFR 1.495(b), may NOT be submitted by facsimile. See 37 CFR 1.6(d)(3) (referencing 37 CFR 1.8(a)(2)(i)(D) and (F)). Subsequent correspondence may be transmitted by facsimile in an application before the U.S. Receiving Office, the U.S. International Searching Authority, or the U.S. International Examining Authority, but it will NOT receive the benefit of any certificate of transmission (or mailing). See 37 CFR 1.8(a)(2) (i)(E).

Correspondence during national stage, subsequent to entry, are handled in the same manner as a U.S. national application.

The PCT Help Desk:

(571) 273-0419 facsimile number (703) 305-3257 telephone number

3. Office of Patent Publication Payment of an issue fee and any required publication fee by authorization to charge a deposit account or credit card, and drawings:

(703) 746-4000 facsimile number

Note: Although submission of drawings by facsimile may reduce the quality of the drawings, the Office will generally print the drawings as received.

Office of Patent Publication telephone numbers to check on receipt of payment:

(703) 308-6789 or 1-888-786-0101

4. Office of Pre-Grant Publication Petitions for express abandonment to avoid publication under 37 CFR 1.138(c), and Requests for express abandonment under 37 CFR 1.138: (703) 305-8568 facsimile number

Pre-Grant Publication Division telephone number for questions relating to the publication of patent applications:

(703) 605-4283. Questions may also be directed by e-mail to pgpub@uspto.gov.

5. Electronic Business Center (EBC) Requests for Customer Number Data Change (PTO/SB/124), and Requests for a Customer Number (PTO/SB/125):

(703) 308-2840 facsimile number.

Note: The EBC may also be reached by e-mail at: ebc@uspto.gov.

EBC telephone number for customer service and assistance:

(866) 217-9197

6. Assignment Branch Assignments or other documents affecting title:

(703) 306-5995 facsimile number

Note: Customers may submit documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation

notice at their facsimile machine. (Assignment documents submitted through the Electronic Patent Assignment System also permits the recordation notice to be faxed to customers.) Credit card payments to record assignment documents are now accepted, and use of the Credit Card form (PTO-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by an authorization to charge a USPTO deposit account or credit card may be submitted via facsimile. Please refer to the USPTO Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Assignment Branch telephone number for assistance:

(703) 308-9723 7.

Central Reexamination Unit (CRU) *Inter partes* reexamination correspondence, except for the initial request: (571) 273-0100 facsimile number

Note: All *ex parte* reexamination correspondence, except for the initial request, may be sent by facsimile transmission to the central facsimile number. Correspondence related to reexamination proceedings will be separately scanned in the CRU.

CRU telephone number for customer service and inquiries: (571) 272-7705 8.

Board of Patent Appeals and Interferences Correspondence related to pending interferences permitted to be transmitted by facsimile (only where expressly authorized, see 37 CFR 1.6(d)(9)):

(571) 273-0042 facsimile number

Note: Correspondence should not be transmitted to this number if an interference has not yet been declared.

9. Office of the General Counsel Correspondence permitted to be transmitted to the Office of General Counsel:

(571) 273-0099 facsimile number

10. Office of the Solicitor Correspondence permitted to be transmitted by facsimile to the Office of the Solicitor:

(571) 273-0373 facsimile number

11. Licensing and Review Petitions for a foreign filing license pursuant to 37 CFR 5.12(b), including a petition for a foreign filing license where there is no corresponding U.S. application (37 CFR 5.13):

(571) 273-0185 facsimile number (if the fax is transmitted on or after April 1, 2005) (703) 305-7658 facsimile number (if the fax is transmitted prior to April 1, 2005)

Note: Correspondence to be filed in a patent application subject to a secrecy order under 37 CFR Sec. 5.1 through 5.5 and directly related to the secrecy order content of the application may **NOT** be transmitted via facsimile.

See 37 CFR Sec. 1.6(d)(6).

12. Office of Petitions Petitions to Withdraw from Issue:

(571) 273-0025 facsimile number

Note: All other types of petitions must be directed to the Central Facsimile Number ((703) 872-9306). Any paper other than a Petition to Withdraw from Issue which is sent to the Office of Petitions fax number (instead of the Central Facsimile Number) will be discarded. Petitions sent to the Central Facsimile Number should be marked "Special Processing Submission".

Questions regarding this notice may be e-mailed to **PatentPractice@uspto.gov**, or directed to the Inventors' Assistance Center by telephone at (800)786-9199, or (703)308-4357. ____3/2/05____

6. Oversized Postcards Must Be Submitted With Sufficient Postage

Recently, a number of return receipt postcards have been returned to the U.S. Patent and Trademark Office (Office) because the postcards contained insufficient postage for an oversized postcard. Oversized postcards require First-Class letter postage. Customers are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the Office for the purpose of obtaining a receipt for correspondence being filed in the Office.

Customers should be aware of the following guidance from the USPS regarding postage and acceptability for postcards:

1. In order to be eligible for the First-Class Mail card rates (currently \$0.23 per card, domestic delivery), cards must be of uniform thickness and made of unfolded and uncreased paper or card stock of approximately the quality and weight of a Postal Service stamped card. Cards claimed at the First-Class postcard rate must be:

(a) Rectangular;

(b) No less than 3-1/2 inches high, 5 inches long, and 0.007 inch thick; and

(c) No more than 4-1/4 inches high, 6 inches long, and 0.016 inch thick.

2. Cards that measure more than 4-1/4 inches high, 6 inches long, or 0.016 inch thick are charged postage at the First-Class Mail letter rates.

3. Cards that measure less than 3-1/2 inches high, 5 inches long, and 0.007 inch thick are nonmailable.

Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the United States Postal Service (USPS) to the address provided on the postcard, and, if returned to the Office, may be discarded.

For information regarding the Office's postcard receipt practice in patent-related matters, see Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1, Feb. 2003), Section 503. Questions regarding sufficient postage for postcards should be directed to the United States Postal Service. Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at (800)786-9199, or (703)308-4357. **OG Notices: 29 June 2004**

7. Termination of the Waiver of Provisions of 37 CFR 1.8 and 1.10 for

Correspondence Intended for the United States Patent and Trademark Office but

Addressed to Washington, DC 20231

Effective on April 4, 2005, the provisions of 37 CFR 1.8 (Certificate of Mailing) and 1.10 ("Express Mail") will no longer be waived for correspondence addressed to the United States Patent and Trademark Office (USPTO), Washington, DC 20231. On May 1, 2003, the USPTO changed its address for certain correspondence to P.O. Box 1450, Alexandria, VA 22313-1450. See 37 CFR 1.1 and *Correspondence with the*

United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003), 1269 *Off. Gaz. Pat. Office* 159 (Apr. 22, 2003). To allow applicants time to become accustomed to the new address in Alexandria, VA, the USPTO waived the provisions of 37 CFR 1.8 and 1.10 such that correspondence addressed to Washington, DC 20231 would be treated as acceptable under 37 CFR 1.8 and 1.10 for otherwise compliant Certificates of Mailing and "*Express Mail*." The United States Postal Service (USPS) has ceased forwarding to the USPTO correspondence addressed to Washington, DC 20231. Additionally, the USPTO will no longer arrange for the delivery to Alexandria, VA of correspondence addressed to Washington, DC 20231 after April 3, 2005. Thus, after April 3, 2005, all correspondence addressed to the Washington, DC 20231 address will be returned to sender marked by the USPS as undeliverable. Such mail returned to the sender by the USPS will not be considered proof of prior filing or mailing under 37 CFR 1.8(b) or 1.10(e) since the correspondence was not mailed in accordance with 37 CFR 1.1. Pursuant to 37 CFR 1.1, correspondence intended for the USPTO must be mailed to P.O. Box 1450, Alexandria, VA 22313-1450, except as otherwise provided.

1. Correspondence intended for the USPTO, unless directed otherwise, must be addressed to: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

2. Correspondence in patent-related matters to organizations reporting to the Commissioner for Patents must be addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

3. Correspondence in trademark-related matters, except documents sent to the Assignment Services Division for recordation, requests for copies of trademark documents, and documents directed to the Madrid Processing Unit, must be addressed to: Commissioner for Trademarks P.O. Box 1451 Alexandria, VA 22313-1451

The above addresses are the USPTO's three general mailing addresses for mail delivered by the USPS; however, the USPTO has separate mailing addresses for certain correspondence as set forth in the notice titled "*Mailing and Hand Carry Addresses for Mail to the United States Patent and Trademark Office*" (formerly, "*Special Mail Stops For Patent Mail*") that is published each week in the Official Gazette Notices and posted on the USPTO Internet web site. Questions regarding this notice may be e-mailed to PatentPractice@uspto.gov, or directed to the Inventors' Assistance Center (formerly the Patent Assistance Center (PAC)) by telephone at 800-786-9199 or 703-308-4357. Date: 3/1/05

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Terminal Disclaimer

9. The terminal disclaimer filed on March 14, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of United States Patent 6,738,808 or United States Patent Application 09/630,134, 09/739,162, 09/739,315 or 09/739,339 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taylor, et al disclose in a global positioning system (GPS), such as the NAVSTAR/GPS system, wherein the position coordinates of user terminals (14) are obtained by processing multiple signals transmitted by a constellation of orbiting satellites (16), an acquisition-aiding signal generated by an earth-based control station (12) is relayed to user terminals via a geostationary satellite (10) to simplify user equipment. The aiding signal is FSK modulated on a reference channel slightly offset from the standard GPS channel. The aiding signal identifies satellites in view having best geometry and includes Doppler prediction data as well as GPS satellite coordinates and identification data associated with user terminals within an area being served by the control station (12) and relay satellite (10). The aiding signal significantly reduces user equipment by

simplifying spread spectrum signal demodulation and reducing data processing functions previously carried out at the user terminals (14).

Steiner, et al teach a Personal Digital Location Apparatus for displaying a geographical location as an icon on a map. The apparatus includes a GPS Smart Antenna for determining the geographical location, a personal computing device including a display, a processing system including a standard software operating system such as DOS, Windows, Macintosh, or Geoworks, and a map application program capable of running in the operating system. The GPS Smart Antenna includes an internal battery and a power sensor for sensing the connection of an external power source. The GPS Smart Antenna receives power from the external power source when the power sensor senses that the external power source is connected and receives power from the internal battery when the power sensor senses that the external power source is not connected. An input select switch controlled by a Request to Send signal from the personal computing device enables the GPS Smart Antenna to use a single UART chip for receiving a command/control signal from the personal computing device and a differential GPS (DGPS) signal from a DGPS radiowave receiver.

Chang, et al show a method and system for determining a position of an orbiting transceiver in a communications network includes at least a first and second transceiver at a first and second known location, respectively, on Earth. The first and second transceivers are adapted to transmit and receive communications signals to and from the orbiting transceiver. A processor

coupled to one of the first and second transceivers determines a first and second range measurement between each of the first and second transceivers and the orbiting transceiver, respectively, as well as corresponding first and second range rates representative of a time rate of change of the first and second range measurements. The processor then determines a circle of intersection representative of the set of possible positions for the orbiting transceiver based on the first range measurement and the first range rate wherein the circle of intersection includes a specific orientation in space, a specific radius and a center in a specific, three-dimensional position relative to the known position of the first transceiver. An angular position of the orbiting transceiver is then determined along the circle of intersection based on the known position of the second transceiver and the second range measurement. Finally, the position of the orbiting transceiver is determined based on the circle of intersection and the angular position.

Sandhu, et al exhibit a method and system whereby two mobile units can locate each other is presented. A user connects an interface device, such as a personal digital assistance (PDA), a wireless phone, a laptop, or a pager, to a mobile unit. The mobile unit regularly obtains its location through a location-determining technology (e.g., GPS) and sends the location to a service provider computer. The service provider computer maintains a database of the current location of all the mobile units, and provides the location of mobile units to each of the mobile units. The mobile unit communicates with the service provider

wirelessly through a communication network and a data network, for example the Internet. A user of the mobile unit can send messages to other users with a location stamp, which indicates the location of the message sender's mobile unit. In addition, a user can send a request to be notified when a target mobile unit reaches a reference point. The reference point may be defined relative to the location of the requester. Alternatively, the reference point may be an address or a landmark. Upon receiving the request, the service provider computer tracks the distance between the target mobile unit and the reference point, and sends a notification to the requester when the target mobile unit reaches the reference point.

11. Consolidated Appropriations Act, 2005 enacted on December 8, 2004

H.R. 4818, the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act) was signed by President George W. Bush and enacted into law on December 8, 2004. The Consolidated Appropriations Act revises certain patent application and maintenance fees; provides separate fees for a basic filing fee, a search fee, and an examination fee; and requires an additional fee for any patent application whose specification and drawings exceed 100 sheets of paper (application size fee). The new patent fees are now effective and will remain in effect during the remainder of fiscal year 2005 and during fiscal year 2006. The patent maintenance fee changes apply to any maintenance fee payment made on or after December 8, 2004, regardless of the filing or issue date of the patent for which the fee is submitted. The revised maintenance fees took effect on December 8, 2004. Thus, any maintenance fee paid at any time on (or after) December 8, 2004 is subject to the revised maintenance fee amounts set forth in the Consolidated Appropriations Act.

Note: If you are paying via the USPTO's Internet Web site, there will likely be a delay in updating the maintenance-fee information on the USPTO's Office of Finance On-Line Shopping Web page. Therefore, if paying on-line, please refer to the updated fee schedule to ensure that you include the appropriate updated fee amount. Maintenance fees must be timely paid in the appropriate amount to avoid expiration of a patent.

The new basic filing fee (or national fee), search fee, examination fee, and application size fee apply to national patent applications (other than provisional applications) filed on or after December 8, 2004, and to international patent applications in which the basic national fee is paid on or after December 8, 2004. The new provisional application filing fee applies to any provisional application filing fee paid on or after December 8, 2004. The filing fee (or national fee), search fee, and examination fee are due on filing. If the filing fee (or national fee) is paid on filing, but the search fee and/or examination fee is missing, the USPTO will issue a

notice requiring that any missing search fee and examination fee (but no surcharge until further notice) be paid within a specified period of time in order to avoid abandonment. Thus, if at least the full basic filing fee under the Consolidated Appropriations Act is paid on or after December 8, 2004, the USPTO will issue a notice requiring any balance of the search fee and the examination fee (but no surcharge).

The remaining patent application fee changes, including the excess claims fees, extension of time fees, and appeal fees, apply to any fee payment made on or after December 8, 2004, regardless of the filing date of the application for which the fee is submitted.

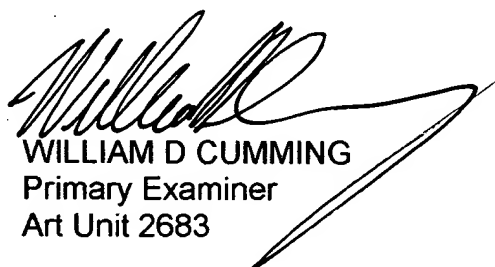
USPTO customers should monitor the USPTO's Internet Web site frequently for current patent fee information.

Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D CUMMING** whose telephone number is 571-272-7861. The examiner can normally be reached on Tuesday & Wednesday, 10:30am to 8:30pm,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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